

**REMARKS**

In response to the Office's request, applicants attach a complete set of claims herein with the proper page break. The amendment to the claims was made on November 28, 2003. No additional amendments are made herein.

In response to the restriction requirement, applicants elected Group I, claims 1, 10, 17-22, 25-28 and 49-53, without traverse. The Office also required that applicants further elect a single SEQ ID NO. for examination. In the November 28, 2003 response, applicants amended claim 1 to specify that expression of the nucleic molecules recited therein is varied by a factor of 5 or more as a result of Bax-induced cell death and indicated that support for the amendment can be found in the specification at, for example, page 3, lines 10-20; Example 2 at pages 31-32; and Example 3 at page 32. At the time, Applicants submitted that the SEQ ID NOs. recited in claim 1 as amended all shared a common technical feature, thus complying with PCT Rules 13.1 and 13.2. In the January 8, 2004 Office Action, the Office requests that applicants elect a sequence identifier to be fully responsive. In response, applicants elect SEQ ID NO. 286. Applicants respectfully submit, however, that as set forth at the pages indicated, the sequences recited in the claims share a common technical feature as identified in accordance with the invention. See also page 27 and pages 35-38 of the present specification, which set out how the recited sequences were identified.

Should the Office require anything further, the Office is invited to contact applicants' representative at the telephone number listed below. Early consideration and prompt allowance of the pending claims is respectfully requested.

Respectfully submitted,

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Dated: January 29, 2004